


**STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF LAND USE REGULATION**

Division of Land Use Regulation  
Mail Code 501-02A, P.O. Box 420,  
Trenton, NJ 08625-0420  
Fax # (609) 777-3656

**PERMIT**



<p>In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the limitations, terms and conditions listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc."</p>		<p>Approval Date November 10<sup>th</sup> 2010</p>
		<p>Expiration Date November 10<sup>th</sup> 2015</p>
<p>Permit Number/s 0000-09-0009.2 WFD100001 (IP In-water)</p>	<p>Type of Approval/s Waterfront Development Water Quality Certificate</p>	<p>Enabling Statute/s NJSA 12:5-3 NJSA 58:10</p>
<p>Applicant NJDOT 1035 Parkway Avenue Trenton, NJ 08625</p>	<p>Owner (if different from applicant)</p>	
<p>This Waterfront Development Permit authorizes the disturbance (i.e., fill) of 21,304 cubic yards of intertidal/subtidal shallows for the construction of two temporary stone access platforms on the east and west sides of the Passaic River under the Route 3 Bridge to provide access for the removal of existing bridge elements and construction of proposed bridge elements within the waterway.</p> <p>This permit is authorized under, and in compliance with, the Rules on Coastal Zone Management, N.J.A.C. 7:7E-1.1 et seq. By issuance of this permit, the State of New Jersey does not relinquish tidelands ownership or claim to any portion of the subject property or adjacent properties. The permittee shall allow an authorized Division representative the right to inspect the construction pursuant to N.J.A.C. 7:7E-1.5(b)4.</p>		
<p>Project Location Route 3 Bridge Replacement over Passaic River City of Clifton Passaic County Borough of Rutherford Bergen County New Jersey.</p>	<p>Received by County Clerk</p>	
<p>Project Manager's Signature  Charlie Welch Telephone: 609-777-0454 Email: Charlie.Welch@dep.state.nj.us</p>		
<p align="center"><b>This permit is not valid unless authorizing signature appears on the last page.</b></p>		

**STANDARD CONDITIONS:**

1. **Extent of approval:** This document grants permission to perform certain activities that are regulated by the State of New Jersey. The approved work is described by the text of this permit and is further detailed by the approved drawings listed below. All work must conform to the requirements conditions and limitations of this permit and all approved drawings. You must keep a copy of this permit and all approved drawings readily available for inspection at the work site. Approved work may be altered only with the prior written of the Division. If you alter the project without prior approval, or expand work beyond the description of this permit, you may be in violation of State law and may be subject to fines and penalties.
2. **Acceptance of permit:** If you begin any activity approved by this permit, you thereby accept this document in its entirety and agree to adhere to all terms and conditions. If you do not accept or agree with this document in its entirety, **do not begin** construction. You are entitled to request an appeal within a limited time as detailed on the attached *Administrative Hearing Request Checklist and Tracking Form*. You may also contact the project manager shown on the first page if you have any questions or concerns about this document.
3. **Recording with County Clerk:** You must record this permit in the Office of the County Clerk for each county involved in this project. You must also mail or fax a copy of the front page of this permit to the Department showing the received stamp from each County Clerk within 30 days of the issuance date (or 90 days if multiple counties are involved). The Department's address and fax number are shown on the first page of this permit.
4. **Notice of Construction:** You must notify the Department in writing at least 7 days before you begin any work approved by this permit. The Department's address and fax number are shown on the first page of this permit. Please direct your letter to the project manager shown on the first page.
5. **Expiration date:** All activities authorized by this permit must be completed by the expiration date shown on the first page. At that time, this permit will automatically become invalid and none of the approved work may begin or continue until a replacement permit is granted. (Some coastal permits may qualify for an extension of the expiration date. Please contact the Department for further information.)
6. **Duty to comply:** The permittee, its contractors and subcontractors shall comply with all conditions of the permit, supporting documents and approved drawings. Any noncompliance with a permit constitutes a violation of this chapter, and is grounds for enforcement action pursuant to N.J.A.C. 7:7-8.8, 7:7-8.9, 7:7-8.10 and 7:7-8.11 as well as suspension and/or termination of the permit.
7. **Duty to reapply:** If the permittee wishes to continue an activity covered by the permit after the expiration date of the permit, the permittee must apply for and obtain a new permit.
8. **Duty to halt or reduce activity:** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
9. **Duty to minimize environmental impacts:** The permittee shall take all reasonable steps to prevent, minimize or correct any adverse impact on the environment resulting from activities conducted pursuant to the permit, or from noncompliance with the permit.

10. **Proper operation and maintenance:** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. The operation of back-up or auxiliary facilities or similar systems is only required when necessary to achieve compliance with the permit. The permittee must also properly execute any approved mitigation compensation and/or restoration proposal designed to mitigate losses caused by the permitted activity. The permittee shall maintain the authorized work areas in good condition and in accordance with the permit.
11. **Proper oversight:** The permittee shall ensure that all approved activities are undertaken using the best management practices available under the supervision and direction of an engineer at all points necessary to ensure compliance with all permit conditions.
12. **Proper site maintenance:** While the regulated activities are being undertaken, neither the permittee nor its agents shall cause or permit any unreasonable interference with the free flow of a regulated water by placing or dumping any materials, equipment, debris or structures within or adjacent to the channel. Upon completion or abandonment of the work, the permittee and/or its agents shall remove and dispose of in a lawful manner all excess materials, debris, equipment, silt fences and other temporary soil erosion and sediment control devices from all regulated areas.
13. **Permit actions:** A permit can be revised, suspended or terminated for cause. The filing of a request by the permittee for a revision, or a notification of planned changes or anticipated noncompliance does not stay any condition of a permit.
14. **Property rights:** A permit does not convey any property rights of any sort, or any exclusive privilege.
15. **Duty to provide information:** A copy of the permit and other authorizing documents including all approved plans and drawings shall be maintained at the authorized site at all times and made available to Department representatives or their designated agents immediately upon request. The permittee shall also furnish to the Department within a reasonable time any information that the Department requests to determine compliance with a permit or to determine whether cause exists for suspension or termination of a permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by the permit.
16. **Inspection and entry:** The permittee shall allow an authorized representative of the Department, at reasonable times and upon the presentation of credentials, to:
  - i. Enter upon the permittee's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of the permit;
  - ii. Have access to and copy any records that must be kept under the conditions of the permit; and
  - iii. Inspect any facilities, equipment, practices or operations regulated or required under the permit. Failure to allow reasonable access under this section shall be considered a violation of this chapter and subject the permittee to enforcement action pursuant to N.J.A.C. 7:13-19.
17. **Reporting requirements:** The permittee shall provide reports to the Department as follows:
  - i. **Planned changes:** The permittee shall give notice to the Department prior to any planned physical alterations or additions to the permitted project or activity;

- ii. **Noncompliance:** The permittee shall immediately report to the Department by telephone at (877) 927-6337 any noncompliance that may endanger health or the environment. The permittee shall report all other noncompliance to the Division of Land Use Regulation by telephone at (609) 292-0060 within two business days of the time the permittee becomes aware of the noncompliance, and in writing within five business days of the time the permittee becomes aware of the noncompliance. The written notice shall include: a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. Such notice shall not, however, serve as a defense to enforcement action if the project is found to be in violation of this chapter; and
  - iii. **Other information:** Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to the Department, it shall promptly submit such facts or information.
18. **Other responsibilities:** You must obtain all necessary local, Federal and other State approvals before you begin work. All work must be stabilized in accordance with the *Standards for Soil Erosion and Sediment Control in New Jersey*, and all fill material must be free of toxic pollutants in toxic amounts as defined in section 307 of the Federal Act.
19. **Rights of the State:** This permit is revocable and subject to modification by the State with due cause. The State may inspect the work site and may suspend construction if work does not comply with this permit. This permit does not grant property rights. The issuance of this permit shall not affect any action by the State on future applications, nor affect the title or ownership of property, nor make the state a party in any suit or question of ownership.

**SPECIAL CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS:**

20. All necessary local, Federal, and other state approvals must be obtained by the applicant prior to the commencement of the herein-permitted activities. Approvals from the following agencies may be required:
  - a. U.S. Army Corps of Engineers
  - b. U.S. Coast Guard
  - c. Soil Conservation District
21. In order to protect *anadromous fish species* within the Passaic River, no grading, construction or clearing is permitted within any watercourse on-site between **March 1** and **June 30** of each year. Furthermore, any activity outside a watercourse, which would likely introduce sediment into the watercourse and/or increase its turbidity, is also prohibited during this period. The Department reserves the right to suspend all regulated activities onsite should it be determined that the applicant has not taken proper precautions to ensure continuous compliance with this condition. If the temporary stone platforms are put in place prior to the start of the timing restriction, then work may continue during the timing restriction.
22. Raw or unset concrete shall not come in contact with any surface waters onsite, since such contact can be toxic to aquatic biota. No adverse impacts are anticipated provided the temporary stone platforms are utilized to prevent raw concrete from coming into contact with the watercourse.

23. No vegetation within **50 feet** of the top of any stream bank of the Passaic River shall be disturbed for any reason, except as approved by the Division and as shown on the approved site plans. All temporary disturbances to vegetation within 50 feet of the top of bank associated with the project shall be replanted during the next appropriate planting season.
24. Upon completion of all in-water construction activities, the permittee must submit "As-Built plans to this Division for review and approval. These plans shall show that the temporary stone access platforms have been removed and the Passaic River channel shall be restored to pre-existing conditions. The characteristics that shall be replicated include channel shape, width and meandering, ratio of shallow areas to deep areas, anticipated flow rate and velocity and substrate type. Additionally, the channel bottom shall be restored to pre construction elevations to ensure that there is no loss of intertidal/subtidal shallows.
25. This permit authorization includes the Division's approval of a Water Quality Certificate for these activities.
26. All excavated material and dredged spoils shall be disposed of in a lawful manner outside of any flood hazard area riparian zone, open water, freshwater wetland and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.
27. All sediment control barriers, pile sheeting, and other soil erosion control measures shall be installed prior to commencing any clearing, grading or construction onsite, and shall be maintained in proper working condition throughout the entire duration of the project.
28. All fill and other earth work on the lands encompassed within this permit authorization shall be stabilized in accordance with the "*Standards for Soil Erosion and Sediment Control in New Jersey*" to prevent eroded soil from entering the adjacent waterways or wetlands at any time during and subsequent to construction activities.
29. For the purposes of this permit, the Department has determined that this project is not a Major Development as defined in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.
30. All retaining walls within the floodplain must be suitably anchored as defined in the Flood Hazard Control Act at 7:13-1.2, to resist the forces associated with the flood hazard area design flood.
31. **WATERFRONT DEVELOPMENT PERMIT:**  
This permit authorizes the disturbance of **21,304 cubic yards** of intertidal/subtidal shallows for the construction of two temporary stone access platforms on the east and west sides of the Passaic River under the Route 3 Bridge to provide access for the removal of existing bridge elements and construction of proposed bridge elements within the waterway.

32. The drawings hereby approved are six (6) sheets entitled:

“STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION; PLANS OF ROUTE 3 AT THE PASSAIC RIVER CROSSING; CONTRACT NO 046970173; NJDEP WATERFRONT DEVELOPMENT PERMIT; CITY OF CLIFTON, PASSAIC COUNTY; BOROUGH OF RUTHERFORD, BERGEN COUNTY,” prepared by William Clark P.E., TranSystems on October, 2010.

KEY SHEET, SHEET 1  
LENGEND AND ABBREVIATIONS, SHEET 2  
INTERTIDAL/SUBTIDAL SHALLOWS IMPACT PLAN, SHEET 3  
TYPICAL SECTION, SHEET 4  
CONSTRUCTION DETAILS, SHEET 5



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Charlie Welch, Supervisor  
Roadways & Infrastructure Unit  
Bureau of Urban Growth & Redevelopment



11/18/10  
Date

cc: City of Clifton Construction Official  
Borough of Rutherford Construction Official  
DLUR Enforcement  
NJDOT, Joe Sweger